

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MEDIOSTREAM, INC.,

Case No. C 11-2525 RS

Plaintiff,

v.

ORDER RE PENDING MOTIONS

MICROSOFT CORPORATION, et al.,

Defendants.

The parties' respective joint report regarding pending motions has been received and considered. Although Dell's joinder in the Sony invalidity motion may not have been strictly timely, there is no indication that the failure to join at an earlier time was the result of an attempt to gain strategic advantage or that it was otherwise unreasonable. There is no prejudice to MedioStream that will result from deciding the Sony motion on its merits, as it was fully-briefed and argued prior to the settlement with Sony. In the event the motion is denied on the merits, MedioStream of course will have no cause to complain. If, conversely, the motion has substantive merit, then it would be in the interest of neither of the parties nor the court to proceed to trial on patent claims that no reasonable finder of fact could find to be valid. Accordingly, Dell's joinder in the Sony motion will be treated as valid, and the motion will be deemed as remaining under submission and ripe for decision. Completion of briefing on the second invalidity motion remains

1 deferred. The motion for summary judgment based on the Microsoft settlement remains submitted
2 and ripe for decision.

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4 IT IS SO ORDERED.

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6 Dated: 8/30/13

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9 RICHARD SEEBORG
10 UNITED STATES DISTRICT JUDGE
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